

REMARKS

Claims 1 – 6 and 9 – 11 remain active.

The present invention relates to a method for feeding an animal a fat-containing diet but inhibiting weight gain, by having in the feed an amount of a liposome-encapsulated avian immunoglobulin against lipase which is effective to inhibit body-weight gained due to consumption of said diet.

Claims 1 – 6 and 9 are rejected under 35 USC 112, second paragraph, as being indefinite. These rejections have been addressed by appropriate amendment.

Claims 1 – 6 and 9 – 11 are rejected under 35 USC 112, first paragraph, on grounds that the specification does not provide literal support for the invention as claimed. In this regard, the amended claims are limited to avian antibodies, which are well described by the specification. In addition, the examiner concedes that the specification does describe “decreased body weight gain per unit of food” (Office Action page 4, lines 17 – 19), which is support for the amended language “effective to inhibit body-weight gained due to consumption of said diet.”

Claim 1 – 6 and 9 – 11 are rejected under 35 USC 112, first paragraph, on enablement grounds. This rejection has been addressed by limiting the claims to avian antibodies, which have been shown to be effective in the specification.

Claim 1 – 6 and 9 – 11 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. As amended, the claims stand free of this criticism. With regard to particular points in the rejection, the Examiner argues that claim 1 requires “totally inhibiting body weight gain” (Office Action page 10, last line). Total inhibition is not required by the claims.

CONCLUSION

This application is now in condition for allowance. Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3680. All correspondence should be directed to our address given below.

AUTHORIZATION

Applicant believes all required fees have been paid. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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